

REMARKS

It is submitted that these claims, as originally presented, are patentably distinct over the prior art cited by the Examiner, and that these claims were in full compliance with the requirements of 35 U.S.C. §112. Changes to these claims, as presented herein, are not made for the purpose of patentability within the meaning of 35 U.S.C. §101, §102, §103 or §112. Rather, these changes are made simply for clarification and to round out the scope of protection to which Applicants are entitled.

Claims 2-23, 25-46, 48-69 and 71-83, and amended claim 1, 24, 47 and 70 are in this application.

At paragraph 3 of the outstanding Office Action of February 20, 2003, the Examiner rejected claims 1-5, 8, 9, 17-20, 22-28, 31, 32, 40-43, 45-51, 54, 55, 63-66 and 68-72 under 35 U.S.C. 102(b) as being anticipated by Kuba et al. (U.S. Patent No. 5,806,072). Applicants therefore, respectfully traverse the rejection.

Amended independent claim 1 recites in part as follows:

“A data reading-and-writing apparatus for reading and writing data in at least one conforming format...comprising...**storing means for storing said information indicative of said data in conforming format and said data in non-conforming format.**” (Underlining and bold added for emphasis.)

It is respectfully submitted that the portions of Kuba relied upon by the Examiner do not teach the newly added feature of amended independent claim 1. Kuba teaches that if the data is non-image data (basically, non-conforming data) then that data is automatically discriminated and an impossible-to-reproduce alarm is provided (column 28, lines 35-50). In

other words, the non-conforming data is ignored and not stored in the electronic imaging apparatus. In contrast, amended independent claim 1 allows the storage of data in a non-conforming format in a directory other than a predetermined directory of the reading and/or writing apparatus (page 27, lines 12-15 and figure 6 of the present specification). Thus, data may be transferred to a memory device by an apparatus that cannot reproduce the data. However, another device may be able to reproduce the data. For example, at page 37, lines 15-21, it states that the present invention can be applied to any AV apparatus for reading and/or writing data with different types of storage mediums. Therefore, conforming and non-conforming data can be shared between any apparatuses that process different types of data, but can utilize the same recording medium. This can also be seen at page 23, lines 8-12 of the present specification. Also, in the specification, at page 38, lines 1-7, it states that the present invention is applicable to an apparatus which is incapable of reading the content of the data but has the ability to recognize and store the content of the data and to measure the residual capacity of the recording medium. This stored data can then be processed by another apparatus that is given access to the storage medium, and to which the recorded data is conforming. Therefore, amended independent claim 1 is believed to be distinguishable from Kuba. For similar reasons, it is also believed that amended independent claims 24, 47 and 70 are also distinguishable from Kuba.

Further, claims 2-5, 8, 9, 17-20, 22, 23, 25-28, 31, 32, 40-43, 45, 46, 48-51, 54, 55, 63-66, 68, 69, 71 and 72 are dependent from one of amended independent claims 1, 24, 47 and 70, and due to such dependency are believed to be distinguishable over Kuba as applied by the Examiner for at least the reasons described above.

Applicants therefore, respectfully request that the 102(b) rejection of claims 1-5, 8, 9, 17-20, 22-28, 31, 32, 40-43, 45-51, 54, 55, 63-66 and 68-72 be withdrawn.

At paragraph 18 of the outstanding Office Action of February 20, 2003, the Examiner rejected claims 6, 7, 29, 30, 52, 53, 73 and 74 under 35 U.S.C. 103(a) as being unpatentable over Kuba et al. (U.S. Patent No. 5,806,072). Applicants therefore, respectfully traverse the rejection.

Claims 6, 7, 29, 30, 52, 53, 73 and 74 are dependent from one of amended independent claims 1, 24, 47 and 70 and, due to such dependency, are also believed to be distinguishable from Kuba for at least the reasons previously described. Therefore, claims 6, 7, 29, 30, 52, 53, 73 and 74 are believed to be distinguishable from Kuba.

Applicants therefore, respectfully request that the 103(a) rejection of claims 6, 7, 29, 30, 52, 53, 73 and 74 be withdrawn.

At paragraph 20 of the outstanding Office Action of February 20, 2003, the Examiner rejected claims 21, 44, 67 and 83 under 35 U.S.C. 103(a) as being unpatentable over Kuba et al. (U.S. Patent No. 5,806,072) in view of Ando et al. (U.S. Patent No. 6,341,196). Applicants therefore, respectfully traverse the rejection.

Claims 21, 44, 67 and 83 are dependent from one of amended independent claims 1, 24, 47 and 70 and, due to such dependency, are also believed to be distinguishable from Kuba for at least the reasons previously described. The Examiner did not rely on Ando to overcome the described deficiency of Kuba. Therefore, claims 21, 44, 67 and 83 are believed to be distinguishable from the applied combination of Kuba and Ando.

Applicants therefore, respectfully request that the 103(a) rejection of claims 21, 44, 67 and 83 be withdrawn.

At paragraph 22 of the outstanding Office Action of February 20, 2003, the Examiner rejected claims 11-15, 34-38, 57-61, 78 and 79 under 35 U.S.C. 103(a) as being

unpatentable over Kuba et al. (U.S. Patent No. 5,806,072) in view of Walters et al. (U.S. Patent No. 6,453,281). Applicants therefore, respectfully traverse the rejection.

Claims 11-15, 34-38, 57-61, 78 and 79 are dependent from one of amended independent claims 1, 24, 47 and 70 and, due to such dependency, are also believed to be distinguishable from Kuba for at least the reasons previously described. The Examiner did not rely on Walters to overcome the described deficiency of Kuba. Therefore, claims 11-15, 34-38, 57-61, 78 and 79 are believed to be distinguishable from the applied combination of Kuba and Walters.

Applicants therefore, respectfully request that the 103(a) rejection of claims 11-15, 34-38, 57-61, 78 and 79 be withdrawn.

At paragraph 24 of the outstanding Office Action of February 20, 2003, the Examiner rejected claims 16, 39 and 62 under 35 U.S.C. 103(a) as being unpatentable over Kuba et al. (U.S. Patent No. 5,806,072) in view of Takayanagi (U.S. Patent No. 5,251,297). Applicants therefore, respectfully traverse the rejection.

Claims 16, 39 and 62 are dependent from one of amended independent claims 1, 24, 47 and 70 and, due to such dependency, are also believed to be distinguishable from Kuba for at least the reasons previously described. The Examiner did not rely on Takayanagi to overcome the described deficiency of Kuba. Therefore, claims 16, 39 and 62 are believed to be distinguishable from the applied combination of Kuba and Takayanagi.

Applicants therefore, respectfully request that the 103(a) rejection of claims 16, 39 and 62 be withdrawn.

The Examiner has apparently made of record, but not replied upon, a number of documents. The applicants appreciate the Examiner's explicit finding that these documents,

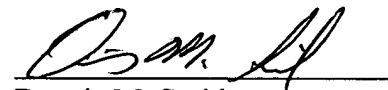
whether considered alone or in combination with others, do not render the claims of the present application unpatentable.

It is to be appreciated that the foregoing comments concerning the disclosures in the cited prior art represent the present opinions of the applicants' undersigned attorney and, in the event, that the Examiner disagrees with any such opinions, it is requested that the Examiner indicate where in the reference or references, there is the bases for a contrary view.

Please charge any fees incurred by reason of this response to Deposit Account No. 50-0320.

Respectfully submitted,
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